

Exhibit A

Dunigan vs.
Officer Nugent, et al.

Officer Derek Nugent
December 19, 2017

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4
5 GORDA DUNIGAN, as Personal
6 Representative for the ESTATE
7 OF JAMES DUNIGAN, Deceased,
8 Plaintiff,
9 vs. Case No. 1:16-CV-01325
10 Hon. Janet T. Neff
11 OFFICER DEREK NUGENT and Mag. Judge Ellen S. Carmody
12 OFFICER ERIC SHAFFER,
13 Defendants.
14 and
15 GORDA DUNIGAN, as Personal
16 Representative for the ESTATE
17 OF JAMES DUNIGAN, Deceased,
18 Plaintiff, Case No. 16-CV-01324
19 vs. Hon. Janet T. Neff
20 BRONSON METHODIST HOSPITAL, Mag. Judge Ellen S. Carmody
21 Defendant.
22
23
24
25

Page 3

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8 Hospital.
9
10 ALSO PRESENT:
11 Richard O. Cherry
12 Detective Eric Shaffer
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Page 2

1 The Deposition of OFFICER DEREK NUGENT,
2 Taken at 241 West South Street,
3 Kalamazoo, Michigan,
4 Commencing at 11:11 a.m.,
5 Tuesday, December 19, 2017,
6 Before Peggy S. Savage, CSR-4189, RPR.
7
8 APPEARANCES:
9
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<p style="text-align: right;">Page 29</p> <p>1 Q. Okay. On the date of May 6, 2016, did you have a 2 different assignment? 3 A. Yes, sir. I came in for overtime that day to work. 4 Q. So what does that mean? 5 A. There was an opening for overtime at Bronson hospital, 6 to work there specifically at the emergency room. 7 Q. So how did you know that? 8 A. I believe it was posted in our scheduling. We have an 9 online scheduling system that has the overtime 10 availability posted, and I was able to sign up for it. 11 Q. So help me out here. If you're looking for overtime, 12 you can go to some like intranet and see if there's 13 any overtime availability anywhere? 14 A. Yes, sir. 15 Q. And maybe a day or so in advance, whatever it was, you 16 did see that there was some overtime available at 17 Bronson? 18 A. Yes, sir. 19 Q. How does that work? How does, I guess, Bronson 20 hospital let you, the police department, know that 21 they need overtime work? 22 A. I don't know the specifics of how that all works. I 23 just know that there's an agreement between Bronson 24 hospital and the police department to staff their 25 emergency room with a police officer.</p>	<p style="text-align: right;">Page 31</p> <p>1 months? Previous few years? 2 A. Previous few years. 3 Q. So explain to me what happens when you sign up for a 4 shift or detail at Bronson hospital. How does that 5 work? 6 A. After you sign up, you show up at the time you're 7 scheduled to show up for, and you take care of any 8 policing needs in the ER, in the emergency room. 9 Q. Like what? 10 A. If any crimes occur at the — in the emergency room, a 11 report needs to be taken. For a crime that even 12 occurs somewhere else, if someone comes into the 13 emergency room and needs to report a crime, we're 14 there to provide that service. 15 Q. All right. So when did you start your shift on May 6, 16 2016, which is the date of the Dunigan incident? 17 A. The shift started at 6:00 a.m. 18 Q. You arrived there in a patrol car? 19 A. Yes. 20 Q. Okay. Why do you hesitate? 21 A. It was a patrol — the only car we had available was a 22 car. It was not a fully equipped patrol car. It 23 didn't have — it was unmarked. It didn't have a 24 security cage in the backseat for transporting 25 prisoners. It was a car that was an extra car, and</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. When you say "agreement," do you know if there's like 2 a written contract or -- 3 A. I believe that there is, yes. 4 Q. Have you ever read it? 5 A. I have not. 6 Q. In order to do any type of work, being police 7 activity-type work, at Bronson hospital, do you 8 receive any type of additional training from anybody 9 with respect to that work? 10 A. No, sir. 11 Q. Does anybody from Bronson provide you with any type of 12 orientation as to the hospital? 13 MR. O'LOUGHLIN: Form and foundation. 14 THE WITNESS: No, sir. 15 BY MR. HARRINGTON: 16 Q. All right. So as of May of 2016, I presume this 17 wasn't the first time you had ever performed any work 18 at Bronson hospital; is that fair? 19 A. Yes. 20 Q. Approximately, how many times have you picked up a 21 shift or some type of detail at Bronson hospital? 22 A. Guessing, two or three times. 23 Q. Okay. So not too many? 24 A. No, sir. 25 Q. Over what time period? Had it been the previous few</p>	<p style="text-align: right;">Page 32</p> <p>1 that was the only one I had available to me at the 2 station that I — I dress out of. I put my uniform on 3 in it. 4 Q. Was that because this was an overtime shift and all 5 the other scout vehicles were out on the road? 6 A. Yes, sir. 7 Q. So you took this -- we'll just call it the "unmarked 8 car" -- 9 A. Yes, sir. 10 Q. -- from the station to the hospital, correct? 11 A. Yes, sir. 12 Q. Had you talked with anybody from the hospital, letting 13 them know that you were coming on that shift? 14 A. No, sir. 15 Q. Since you've only done it a couple times before this 16 Dunigan incident, did you have an understanding as to 17 where you were going to go to check in to let anybody 18 know you were there? 19 A. Yes. 20 Q. Where? 21 A. Their security office in the emergency room. 22 Q. Do you know any of the security officers that work 23 over there? 24 A. Not by name. Just by -- by -- you know, I'm familiar 25 with who they are because I come there.</p>

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<p style="text-align: right;">Page 37</p> <p>1 hospital?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And why was that?</p> <p>4 A. Because it did not -- it was not equipped to transport</p> <p>5 prisoners.</p> <p>6 Q. Okay. But why didn't you just let Officer Shaffer</p> <p>7 take Mr. Dunigan and you follow behind in the unmarked</p> <p>8 vehicle?</p> <p>9 A. I don't know why that decision was made. I don't</p> <p>10 remember.</p> <p>11 Q. All right. Do you remember arriving to Bronson</p> <p>12 hospital on May 6, 2016?</p> <p>13 A. Yes, sir.</p> <p>14 Q. After you parked the vehicle, what did you do?</p> <p>15 A. I went into the security office and spoke with members</p> <p>16 of Bronson security and the officer who worked the</p> <p>17 night shift who was there, the police officer.</p> <p>18 Q. Do you know the names of those individuals you spoke</p> <p>19 with?</p> <p>20 A. I can only remember the police officer's name. I</p> <p>21 don't remember the names of the individual security</p> <p>22 officers that were working.</p> <p>23 Q. Who was the police officer?</p> <p>24 A. His name was Ernest Knauf.</p> <p>25 MR. VANDER LAAN: K- --</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. Did Officer Knauf brief you at all on Mr. Dunigan?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And what did he tell you?</p> <p>4 A. I remember him telling me that Mr. Dunigan had been</p> <p>5 discharged from the hospital and was being allowed to</p> <p>6 sit in the waiting room area until 6:00 a.m., where at</p> <p>7 that point he was going to be getting and leaving on a</p> <p>8 city bus.</p> <p>9 Q. What time did the buses start running?</p> <p>10 A. 6:00 a.m.</p> <p>11 Q. Do you know where the nearest bus stop or pickup</p> <p>12 location would be in relation to the emergency</p> <p>13 department area where Mr. Dunigan was to where he</p> <p>14 would need to go?</p> <p>15 A. I don't know exactly where it's at, but it's right on</p> <p>16 the street out front, within walking distance of the</p> <p>17 emergency room entrance.</p> <p>18 Q. So you understood that he was waiting for the buses to</p> <p>19 start running?</p> <p>20 A. That was my understanding, yes.</p> <p>21 Q. What else did Officer Knauf tell you about</p> <p>22 Mr. Dunigan?</p> <p>23 A. I don't remember.</p> <p>24 Q. Okay. And I might be jumping ahead a little bit. I</p> <p>25 mean, you walk into the emergency department, and then</p>
<p style="text-align: right;">Page 38</p> <p>1 BY MR. HARRINGTON:</p> <p>2 Q. K-n-a-u-f-f?</p> <p>3 A. I believe it's just one "f."</p> <p>4 MR. HARRINGTON: I'm sorry, what were you</p> <p>5 saying, Allan?</p> <p>6 MR. VANDER LAAN: I was going to spell it.</p> <p>7 MR. HARRINGTON: Do you know if that's the</p> <p>8 right spelling?</p> <p>9 MR. VANDER LAAN: Is it K-n-o-p-h?</p> <p>10 BY MR. HARRINGTON:</p> <p>11 Q. Or Koph, K-o-p-h?</p> <p>12 A. I think it's K-n-a-u-f.</p> <p>13 Q. K-n-a-u-f. And he's a Kalamazoo police officer?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And he was doing the Bronson detail before you?</p> <p>16 A. Yes, sir.</p> <p>17 Q. You were relieving him?</p> <p>18 A. Yes, sir.</p> <p>19 Q. When you arrived, did he leave?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Was he involved in the Dunigan, I guess, incident in</p> <p>22 any way that you're aware of?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. What was his role?</p> <p>25 A. He had contact with Mr. Dunigan before I did.</p>	<p style="text-align: right;">Page 40</p> <p>1 you head over to security to -- I guess to check in</p> <p>2 and to relieve Officer Knauf, right?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Did you know that Officer Knauf was working that</p> <p>5 shift?</p> <p>6 A. No.</p> <p>7 Q. You knew that there was one Kalamazoo officer there,</p> <p>8 right, or no?</p> <p>9 A. I didn't. No, I didn't. No.</p> <p>10 Q. Do you know if, under the agreement or contract</p> <p>11 between Bronson and Kalamazoo, an officer is to always</p> <p>12 be present at the hospital?</p> <p>13 A. I know that there are certain days that they are not</p> <p>14 staffed with an officer, but I don't remember what</p> <p>15 days those are. It's not every day of the week.</p> <p>16 Q. What was the first, I guess, order of business that</p> <p>17 you spoke with, I guess, the folks at the security</p> <p>18 office when you arrived?</p> <p>19 A. I think that it was a discussion about the status of</p> <p>20 Mr. Dunigan.</p> <p>21 Q. So not to minimize, you walk in, probably, you know,</p> <p>22 exchange some pleasantries like, "Hey, guys, morning,</p> <p>23 how is everything, what are we looking at today,"</p> <p>24 something like that, right?</p> <p>25 A. Yes, sir.</p>

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<p style="text-align: right;">Page 41</p> <p>1 Q. And then the first thing that came up was business 2 relation- -- related was Mr. Dunigan, right? 3 A. Yes, sir. 4 Q. Who was the first person to bring up Dunigan? 5 A. I don't remember. 6 Q. Do you know if it was Knauf or somebody from the 7 hospital? 8 A. I don't remember that. 9 Q. Did anybody from the hospital, I guess the hospital 10 security staff, provide you with any information about 11 Mr. Dunigan while you guys are having this initial 12 discussion in the security office? 13 A. I'm sure that they did, but I don't remember what that 14 information was. 15 Q. And what I'm getting at is: Did any of the security 16 guys say, "Hey, look, this is just some homeless guy, 17 he's hanging around, he's already been treated, he's 18 fine," anything like that? 19 A. I don't -- I don't remember. 20 MR. VANDER LAAN: Can he refer to his 21 report or do you want just his memory? 22 MR. HARRINGTON: We're going to walk 23 through the report, Allan -- 24 MR. VANDER LAAN: Okay. 25 MR. HARRINGTON: -- in really, really good</p>	<p style="text-align: right;">Page 43</p> <p>1 to be done? 2 A. I don't remember. 3 Q. Okay. Who was taking lead for addressing Mr. Dunigan; 4 was it you or one of the -- 5 A. I addressed him by myself, so ... 6 Q. While he was sitting in a chair? 7 A. I don't remember if he was sitting or standing when I 8 addressed him initially. 9 Q. But he was in the emergency department? 10 A. Yes, he was. 11 Q. Do you recall how he appeared to you? 12 A. Not specifically, no. 13 Q. Are you able to say that he seemed completely normal 14 or did he seem off or you just don't remember? 15 MR. O'LOUGHLIN: Foundation. 16 THE WITNESS: I just don't remember. 17 BY MR. HARRINGTON: 18 Q. Do you ever remember having any discussions at any 19 time with anybody from Bronson hospital about problems 20 with, quote/unquote, homeless people coming into the 21 hospital? 22 A. I'm not sure I understand the question. I'm sorry. 23 Will you say that for me again? 24 Q. Sure. All I'm wondering is if anybody from Bronson 25 hospital had any type of discussions with you about</p>
<p style="text-align: right;">Page 42</p> <p>1 detail. I just want to go through kind of his memory 2 now and then we'll go through it, because I know it 3 contains a lot of stuff in there. 4 MR. VANDER LAAN: All right. 5 BY MR. HARRINGTON: 6 Q. And I'm not trying to trick you. I just like to go 7 through the memory. Because, look, you wrote a 8 report, right? 9 A. Yes, sir. 10 Q. And you wrote it as truthful as possible, right? 11 A. Of course. 12 Q. Nobody ordered you to write what you wrote, right? 13 Meaning, those are your words? 14 A. Yes, they are. 15 Q. So I can read English. I know what it says. I kind 16 of like to fill in the blanks of what you saw and what 17 was going on. 18 A. Sure. 19 Q. So at some point in time, you and the other officers 20 leave the security office, right? 21 A. Yes. 22 Q. Okay. And was the first order of business to address 23 Dunigan? 24 A. Yes. I think so. 25 Q. And was there any discussion as to how that was going</p>	<p style="text-align: right;">Page 44</p> <p>1 issues of homeless people coming into the hospital and 2 how to address that? 3 MR. VANDER LAAN: At any time? Not just 4 this day? 5 MR. HARRINGTON: Yeah, not just this time. 6 At any time. 7 THE WITNESS: Yes. 8 BY MR. HARRINGTON: 9 Q. Okay. Tell me about those conversations. 10 A. I don't know if I can remember anything specific about 11 the conversations, but I'm sure that I've had 12 discussions with security officers in the past about 13 homeless people or any -- you know, any people that 14 are in the emergency room and what to do with them and 15 how to handle the situation. 16 Q. Okay. Can you tell me about those conversations? 17 Just generally. I mean, because you walked away -- 18 look, the security staff is having a discussion with 19 you or maybe other people from the hospital are having 20 a discussion with you about homeless people or other 21 people that are in the emergency department on how to 22 handle it. I just want to know what type of general 23 information you walked away with from those 24 conversations. 25 A. Generally, I understood if -- if the -- if there's an</p>

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<p style="text-align: right;">Page 45</p> <p>1 individual in the emergency room that they -- that the 2 security staff does not want there for any -- you 3 know, any reason, that the -- I was to assist them in 4 helping them to remove that person from their 5 property. 6 Q. Do they make that call to remove them or do you make 7 that call? And when I say "call," decision. 8 A. I think it's -- it's their property, so they make that 9 call. I am there just to facilitate and to help them. 10 Q. Do you know what the -- maybe you do or maybe you 11 don't. Do you know what the arrest authority is for 12 the security staff at Bronson? 13 A. I don't know. I don't know. 14 Q. I mean, you have a greater arrest authority than, you 15 know, a security staff that isn't licensed under 16 Public Act 330, right? 17 A. Yes, sir. 18 MARKED FOR IDENTIFICATION 19 DEPOSITION EXHIBIT 3 20 12:05 p.m. 21 BY MR. HARRINGTON: 22 Q. The document that I've handed you that I've marked as 23 Exhibit 3 is your complete report; is that correct? 24 A. It appears to be my complete narrative. Whether or 25 not it's the complete police report --</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. When you talked to Mr. Dunigan, did you ever ask him 2 if security said anything to him? You know, 3 "Mr. Dunigan, security is letting you stay here until 4 6:00 a.m., until you get a bus, it's time for you to 5 go," was there any discussion you had like that with 6 Mr. Dunigan? 7 A. Is it okay with you if I scan through this at this 8 point in time? 9 Q. Yeah. Thumbs up. Go ahead and look through it. 10 Because, obviously, you don't have an independent 11 memory, and you would need your report to refresh that 12 memory, fair? 13 A. Yes, sir. Yes, I made contact with Dunigan initially 14 and explained to him that he was, you know, being 15 allowed to be there until 6:00. And it was after 6:00 16 at this point in time, and it was time for him to 17 leave, so ... 18 Q. And at this point -- I apologize. Did I cut you off? 19 A. No, sir. 20 Q. At this point, you're just carrying out the hospital's 21 wishes? 22 A. Yes, sir. 23 MR. O'LOUGHLIN: Foundation. 24 BY MR. HARRINGTON: 25 Q. Under "Briefing With Bronson Security Staff," you have</p>
<p style="text-align: right;">Page 46</p> <p>1 Q. No, no. I apologize. Let me rephrase. What I've 2 handed to you is your complete report that you 3 completed with respect to Mr. Dunigan; fair? 4 A. Yes, it appears to be. 5 Q. You didn't do any supplemental reports? 6 A. No, sir. 7 Q. Okay. 8 MR. VANDER LAAN: Do you have a copy in 9 front of you? 10 THE WITNESS: I do, sir. 11 MR. VANDER LAAN: Okay. 12 MR. O'LOUGHLIN: I think I got two. 13 MR. VANDER LAAN: Okay. 14 BY MR. HARRINGTON: 15 Q. Okay. If we look to the -- I guess we'll call it the 16 third section, where it says, "Briefing With Bronson 17 Security Staff." Are you there? 18 A. Yes, sir. 19 Q. In this section, it talks about how the security staff 20 was allowing Mr. Dunigan to remain at the hospital 21 until 6:00 a.m., you know, pending the city bus issue; 22 do you see that? 23 A. Yes, sir. 24 Q. Did you see anybody from Bronson tell him that? 25 A. No, sir.</p>	<p style="text-align: right;">Page 48</p> <p>1 a sentence that says, "Dunigan had been seen by a 2 doctor in the emergency room. He was medically 3 cleared to leave the hospital and discharged from 4 their care." Do you see that? 5 A. Yes, sir. 6 Q. That was information provided to you, right? 7 A. Yes, sir. 8 Q. That's not something -- a conclusion that you reached 9 on your own? 10 A. That is not, sir. 11 Q. Who told you that he was medically cleared to leave? 12 A. One of the Bronson security staff. 13 Q. And context-wise, when I listened to the video and 14 watched the video -- when I listened to the audio on 15 the video, it sounds like that discussion is happening 16 on the sidewalk. Is that consistent with your memory, 17 where the security staff tells you that he was 18 cleared? 19 MR. O'LOUGHLIN: Form and foundation. 20 THE WITNESS: Yes, but that was long after 21 this initial -- this thing we're talking about right 22 now. I was told, when I first arrived at Bronson 23 hospital in reference to Dunigan, that he was seen by 24 a doctor, medically cleared -- 25 BY MR. HARRINGTON:</p>

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<p style="text-align: right;">Page 49</p> <p>1 Q. You were told that?</p> <p>2 A. -- and discharged from their care.</p> <p>3 Q. You were told that?</p> <p>4 A. Yes, sir, from the beginning.</p> <p>5 Q. From the beginning, one of the security officers told</p> <p>6 you that he had been seen by a doctor and medically</p> <p>7 cleared?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. And at that point in time, you're not</p> <p>10 questioning that? You're not a doctor?</p> <p>11 A. No, sir.</p> <p>12 Q. We're going to jump back to your conversation with</p> <p>13 Mr. Dunigan, but now I want to flash forward.</p> <p>14 Do you remember when he was being wheeled</p> <p>15 out of the hospital in a wheelchair?</p> <p>16 A. Yes.</p> <p>17 Q. You weren't pushing him, were you, in the wheelchair?</p> <p>18 A. No, sir.</p> <p>19 Q. I think it was Shoemaker, if you remember.</p> <p>20 A. I don't know. I don't remember.</p> <p>21 Q. At some point in time, while he's being wheeled out</p> <p>22 and before he gets put into the scout car, didn't you</p> <p>23 raise a question with one of the officers, the</p> <p>24 security officers, something to the extent of "Are you</p> <p>25 sure he's been cleared," or where you actually</p>	<p style="text-align: right;">Page 51</p> <p>1 THE WITNESS: I don't remember if that's</p> <p>2 the specific time that that was said or not. I don't</p> <p>3 remember. But at some point in time, yes, somebody</p> <p>4 posed that question.</p> <p>5 BY MR. HARRINGTON:</p> <p>6 Q. But that was clearly after you were provided</p> <p>7 information that he had been treated?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. Let me go back to when you saw Mr. Dunigan.</p> <p>10 Was Mr. Dunigan combative with you in any way?</p> <p>11 A. No, sir.</p> <p>12 Q. Did he ever tell you why he didn't want to leave?</p> <p>13 A. No, sir.</p> <p>14 Q. He, at some point, said he wanted to go to jail?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Did you find that odd?</p> <p>17 A. No, sir.</p> <p>18 Q. Why?</p> <p>19 A. It's a fairly common thing to hear from individuals,</p> <p>20 as a police officer. Sometimes people just say that</p> <p>21 to me.</p> <p>22 Q. They just want to go to jail?</p> <p>23 A. I don't think that's what they mean, but they just say</p> <p>24 that sometimes.</p> <p>25 Q. I mean, if somebody is taken into custody and they're</p>
<p style="text-align: right;">Page 50</p> <p>1 questioned whether he was okay to be discharged?</p> <p>2 MR. O'LOUGHLIN: Form and foundation.</p> <p>3 THE WITNESS: I don't remember.</p> <p>4 BY MR. HARRINGTON:</p> <p>5 Q. Okay. Do you ever remember asking any of the security</p> <p>6 officers, "Was he seen"? Does that sound familiar?</p> <p>7 MR. VANDER LAAN: Can we short circuit?</p> <p>8 MR. HARRINGTON: Yes. Go ahead.</p> <p>9 MR. VANDER LAAN: Your next witness.</p> <p>10 MR. HARRINGTON: What?</p> <p>11 MR. VANDER LAAN: Your next witness.</p> <p>12 MR. HARRINGTON: Oh. Thank you. I</p> <p>13 appreciate it.</p> <p>14 BY MR. HARRINGTON:</p> <p>15 Q. Okay. Do you ever remember hearing any of the</p> <p>16 officers --</p> <p>17 MR. HARRINGTON: Because I didn't have a --</p> <p>18 I couldn't tell who was saying what.</p> <p>19 MR. VANDER LAAN: I know.</p> <p>20 BY MR. HARRINGTON:</p> <p>21 Q. Do you ever remember hearing Officer Shaffer say</p> <p>22 anything, "Was he seen"?</p> <p>23 A. Yes, I think so.</p> <p>24 Q. Okay. And that was while he was being wheeled out?</p> <p>25 MR. O'LOUGHLIN: Foundation.</p>	<p style="text-align: right;">Page 52</p> <p>1 in need of medical treatment, it has to be provided,</p> <p>2 right?</p> <p>3 MR. O'LOUGHLIN: Foundation.</p> <p>4 THE WITNESS: Yes, sir.</p> <p>5 BY MR. HARRINGTON:</p> <p>6 Q. Do you recall you and -- this is also in your report.</p> <p>7 It's in the section under "Contact With James</p> <p>8 Dunigan/Trespassing," three paragraphs down, a</p> <p>9 discussion about taking Mr. Dunigan by his arm and</p> <p>10 helping him to stand.</p> <p>11 A. Yes. I'm reading that now.</p> <p>12 Q. Do you recall doing that?</p> <p>13 A. Yes.</p> <p>14 Q. When you helped him to his feet, did he appear to have</p> <p>15 difficulty standing?</p> <p>16 A. Yes.</p> <p>17 Q. Did he seem unsteady on his feet?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Even though you know that the security staff had told</p> <p>20 you that he had already been seen, did you start to</p> <p>21 have questions in your mind as to whether or not this</p> <p>22 was an individual that was still in need of medical</p> <p>23 treatment?</p> <p>24 A. No, sir.</p> <p>25 Q. Okay. At some point in time, you started to have</p>

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**Officer Derek Nugent
December 19, 2017**

<p style="text-align: right;">Page 77</p> <p>1 jail?</p> <p>2 MR. O'LOUGHLIN: Form and foundation.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. HARRINGTON:</p> <p>5 Q. And let's work with that example for a second. If</p> <p>6 he's on this bench and you're trying to help him off</p> <p>7 of the bench and, say, this is just in front of Sears</p> <p>8 or wherever, some store, and he's having a hard time</p> <p>9 walking, that's an indicator that it's somebody who</p> <p>10 might be in need of medical treatment, right?</p> <p>11 MR. O'LOUGHLIN: Form --</p> <p>12 THE WITNESS: Yes, sir.</p> <p>13 MR. O'LOUGHLIN: -- foundation.</p> <p>14 THE WITNESS: Sorry.</p> <p>15 MR. VANDER LAAN: It's all right.</p> <p>16 BY MR. HARRINGTON:</p> <p>17 Q. The fact that -- I mean, Mr. Dunigan wasn't, from what</p> <p>18 you could tell -- I mean, you made the assumption he</p> <p>19 wasn't able to walk out of the hospital, was he?</p> <p>20 MR. O'LOUGHLIN: Form and foundation.</p> <p>21 BY MR. HARRINGTON:</p> <p>22 Q. Go ahead.</p> <p>23 A. At the time, I felt -- obviously, he did not walk out</p> <p>24 on his own, and I felt that he was pretending that he</p> <p>25 couldn't walk out on his own.</p>	<p style="text-align: right;">Page 79</p> <p>1 therapy session.</p> <p>2 MR. HARRINGTON: Well, we're not doing</p> <p>3 reflective and mirror imaging and --</p> <p>4 MR. VANDER LAAN: I think that's what</p> <p>5 you're asking.</p> <p>6 MR. HARRINGTON: No, but it goes to, you</p> <p>7 know, in 1983 litigation, we get to know officers'</p> <p>8 impressions, and that's what --</p> <p>9 MR. VANDER LAAN: To the best you can tell</p> <p>10 him, please do so.</p> <p>11 MR. HARRINGTON: Yes.</p> <p>12 MR. O'LOUGHLIN: My objection still applies</p> <p>13 given that series of questions.</p> <p>14 MR. HARRINGTON: Yeah.</p> <p>15 BY MR. HARRINGTON:</p> <p>16 Q. Go ahead.</p> <p>17 A. I can only say that I felt like I was set up for</p> <p>18 failure from the beginning from Bronson hospital.</p> <p>19 Q. And can you expand on that, from a factual standpoint,</p> <p>20 as to why you felt that you were set up for failure?</p> <p>21 A. Because I relied so heavily on their assessment and</p> <p>22 discharge from their care that he was -- he was okay</p> <p>23 to go with us and get arrested from their facility.</p> <p>24 They wanted him gone. I felt like I was set up for</p> <p>25 failure. And that me putting my judgment secondary to</p>
<p style="text-align: right;">Page 78</p> <p>1 Q. But --</p> <p>2 A. I understand what you're getting at, sir.</p> <p>3 Q. And what I'm getting at is you felt that way because</p> <p>4 of your trusting of the hospital?</p> <p>5 MR. O'LOUGHLIN: Form and foundation.</p> <p>6 BY MR. HARRINGTON:</p> <p>7 Q. Go ahead.</p> <p>8 A. Yes, sir.</p> <p>9 Q. You're believing the hospital did their job?</p> <p>10 MR. O'LOUGHLIN: Same.</p> <p>11 BY MR. HARRINGTON:</p> <p>12 Q. Go ahead.</p> <p>13 A. Yes, sir.</p> <p>14 Q. And if we use the situation of -- well, let me ask you</p> <p>15 this. Are you upset with the hospital at all with</p> <p>16 respect to the Dunigan matter?</p> <p>17 MR. O'LOUGHLIN: Same.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. HARRINGTON:</p> <p>20 Q. Can you talk about that?</p> <p>21 MR. O'LOUGHLIN: Same.</p> <p>22 MR. VANDER LAAN: Form. Foundation.</p> <p>23 BY MR. HARRINGTON:</p> <p>24 Q. Go ahead.</p> <p>25 MR. VANDER LAAN: I don't want this to be a</p>	<p style="text-align: right;">Page 80</p> <p>1 a doctor's, who has already assessed this individual</p> <p>2 and said he was okay, put me in the situation that I'm</p> <p>3 in today.</p> <p>4 Q. In almost any other situation, like I gave you that</p> <p>5 store scenario, if you saw the guy at a bus stop,</p> <p>6 virtually any other situation where you saw</p> <p>7 Mr. Dunigan in the condition and shape that he was in,</p> <p>8 you'd agree with me that that's somebody you would go</p> <p>9 to take to get medical care or treatment --</p> <p>10 MR. O'LOUGHLIN: Form and foundation.</p> <p>11 BY MR. HARRINGTON:</p> <p>12 Q. -- fair?</p> <p>13 A. Yes, sir.</p> <p>14 MR. VANDER LAAN: Are you done with this</p> <p>15 line?</p> <p>16 MR. HARRINGTON: Go ahead, we can take a</p> <p>17 break.</p> <p>18 (Off the record at 12:48 p.m.)</p> <p>19 (Back on the record at 1:00 p.m.)</p> <p>20 BY MR. HARRINGTON:</p> <p>21 Q. Okay. Before we took a break, we were just talking</p> <p>22 about the role that -- the setting of being in the</p> <p>23 hospital, how much that played in influencing your</p> <p>24 actions on that day. And I'm just asking this just to</p> <p>25 get us re-oriented. Remember, that's what we were</p>